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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,957	08/20/2001	Jeff Jacob Brauer	Q92694	7951
72875 7590 03/06/2009 SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037				
EXAMINER				
VAN BRAMER, JOHN W				
ART UNIT		PAPER NUMBER		
3622				
NOTIFICATION DATE		DELIVERY MODE		
03/06/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@sughrue.com
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Office Action Summary

Application No.

09/933,957

Applicant(s)

BRAUER, JEFF JACOB

Examiner

JOHN VAN BRAMER

Art Unit

3622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21, 22 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21, 22, and 24-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on December 15, 2008 has been entered.

Response to Amendment

2. The amendment filed on December 15, 2008 has cancelled no claims. Claims 21, 22, 24, and 25 were amended and new claims 26 and 27 were added. Thus, the currently pending claims considered below are Claims 21-22 and 24-27.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 21, 22, and 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Ingraham et al. (PGPUB: US 2001/0037280 A1)

Claims 21, 26, and 27: Ingraham discloses computer implemented systems, and a computer implemented method, for securing commissions in a real estate rental transaction, comprising:

- a. Obtaining information relating to a plurality of properties available for fixed term rental. (Paragraphs [0013]-[0014])
- b. Establishing a rental transaction fee to be paid by the lessor of said properties. (Paragraph [0020])
- c. Creating a database of said properties. (Paragraphs [0013]-[0014]; [0043]-[0044])
- d. Creating, at a real estate host computer, a client profile relating to a user, said profile including any known current rental occupation by said user of any properties in said database. (Paragraphs [0015]; [0033], [0034])
- e. Receiving, from said user, property search criteria. (Paragraphs [0015] – [0016]; [0035]-[0039])
- f. Retrieving from said database property descriptions related to properties corresponding to said rental property search criteria, including a brief narrative, and one or more photographs for display to the user. (Paragraphs [0017] – [0018]; [0037]-[0039])

- g. Receiving confirmation from said user that said user has engaged in a rental agreement having a fixed occupancy duration to rent one of said properties, other than one of said known current rental occupation properties. (Paragraph [0020] – [0021])
- h. Collecting, from a lessor, said transaction fee after said confirmation.
(Paragraph [0020] – [0021])
- f. Paying said user a rebate amount that has a predetermined, fixed value.
(Paragraph [0020] – [0021])

Claim 22: Ingraham discloses the system as set forth in claim 21, further comprising assigning the user a discount code associated with a selected one of the properties, wherein the discount code is used when the rebate is obtained.
(Paragraphs [0020]-[0021])

Claim 24: Ingraham discloses the system as set forth in claim 21, further comprising collecting, from the lessor of the property, a hosting fee for hosting a website listing of the property. (Paragraphs [0020]-[0021])

Claim 25: Ingraham discloses the system as set forth in claim 21, further comprising collecting, from the user, qualifying financial information; and allowing the

lessor to view the qualifying financial information of the user. (Paragraphs [0015]-[0017]; [0036]-[0037])

Response to Arguments

5. Applicant's arguments with respect to claim 21, 22, and 24-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN VAN BRAMER whose telephone number is (571)272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John Van Bramer
/John Van Bramer/
Examiner, Art Unit 3622